

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 246 Session of 2015

INTRODUCED BY DUNBAR, CALTAGIRONE, COHEN, DAVIDSON, EVANKOVICH, GABLER, J. HARRIS, JAMES, MURT, ROZZI, McCARTER AND KORTZ, JANUARY 28, 2015

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 21, 2015

AN ACT

1 Amending the act of June 19, 1931 (P.L.589, No.202), entitled,
2 as amended, "An act to promote the public health and safety,
3 by providing for the examination and licensure of those who
4 desire to engage in the profession of barbering; regulating
5 barber shops and barber schools, and students therein;
6 regulating compensation for service rendered; conferring
7 certain powers and duties on the Department of State; and
8 providing penalties," further providing for licensure of
9 manager-barbers and barber-teachers.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. Section 3(c) and (d) of the act of June 19, 1931 <--~~
13 ~~(P.L.589, No.202), referred to as the Barbers' License Law,~~
14 ~~amended June 30, 1984 (P.L.494, No.101) and December 22, 2005-~~
15 ~~(P.L.446, No.84), are amended to read:~~

16 SECTION 1. SECTION 3(D) OF THE ACT OF JUNE 19, 1931 <--
17 (P.L.589, NO.202), REFERRED TO AS THE BARBERS' LICENSE LAW,
18 AMENDED DECEMBER 22, 2005 (P.L.446, NO.84), IS AMENDED TO READ:

19 Section 3. * * *

20 ~~(c) (1) Each applicant for a manager barber's license <--~~

1 ~~shall, as a condition precedent to obtaining a license, take the~~
2 ~~manager barber's license examination and score a passing grade.~~
3 ~~Prior to taking the examination, the applicant shall have~~
4 ~~completed the eighth grade or its equivalent and actively~~
5 ~~engaged in the practice of barbering, as a licensed barber, for~~
6 ~~one or more years. The board shall properly notify every~~
7 ~~licensed barber that if he or she has been actively engaged in~~
8 ~~the practice of barbering he or she shall, upon filing an~~
9 ~~application therefor prior to January 1, 1981, be licensed as a~~
10 ~~manager barber without examination. A notarized application for~~
11 ~~a license as a manager barber shall be made in such form as the~~
12 ~~board shall prescribe. The application shall be accompanied by a~~
13 ~~notarized statement, from either the owner or manager of the~~
14 ~~licensed barber shop or shared shop as set forth in section 15-~~
15 ~~A.3 in which the applicant has been employed, that the applicant~~
16 ~~has been actively engaged in the practice of barbering, as a~~
17 ~~licensed barber, for one or more years. The board shall not have~~
18 ~~the power to require a photograph as part of an application for~~
19 ~~a manager barber's license. At the time of filing the~~
20 ~~application and accompanying notarized statement, the applicant~~
21 ~~shall pay to the department an examination fee to be determined~~
22 ~~by regulation and shall present himself or herself at the next~~
23 ~~examination of applicants as provided in section 6.~~

24 ~~(2) A barber licensee who possesses a minimum of three~~
25 ~~years' experience or a manager barber licensee who possesses a~~
26 ~~minimum of one year's experience as a manager barber as of~~
27 ~~January 1, 2015, and has no record of disciplinary action, at~~
28 ~~the expiration of the biennial licensure period next following~~
29 ~~the effective date of this paragraph, may opt to become licensed~~
30 ~~as a barber teacher without examination, upon application and~~

1 ~~payment of the required fee.~~

2 (d) [The] (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), AN <--
3 applicant for a barber-teacher's license shall, as a condition
4 precedent to obtaining a license, take the barber-teacher's
5 license examination and score a passing grade. Prior to taking
6 the examination, the applicant shall be at least [twenty-three]
7 eighteen years of age, be a high school graduate or its
8 equivalent, and either have had five years' experience as a
9 licensed barber in a licensed barber shop or shared shop as set
10 forth in section 15-A.3 in Pennsylvania, or [be a manager-
11 barber] who has trained for [one thousand two hundred fifty
12 (1250)] five hundred (500) hours under a licensed teacher in a
13 licensed barber or cosmetology school as a teacher-trainee[.],
14 which hours shall be in addition to the hours necessary to
15 qualify for a license to practice barbering. The training shall
16 be limited to teaching methods and need not be specifically
17 related to barbering. A notarized application for a license as a
18 barber-teacher shall be made in such form as the board shall
19 prescribe. The application shall be accompanied by a notarized
20 statement, by either the owner or manager of the shop in which
21 the applicant has been employed that the applicant has had five
22 years experience as a licensed barber in a licensed barber shop
23 or shared shop as set forth in section 15-A.3 in this
24 Commonwealth or by the licensed barber school the teacher-
25 trainee attended, that the applicant has [been licensed as a
26 manager-barber and] trained for [one thousand two hundred fifty
27 (1250)] five hundred (500) hours under a licensed teacher in a
28 licensed barber or cosmetology school as a teacher-trainee. The
29 board shall not have the power to require a photograph as part
30 of an application for a barber-teacher's license. At the time of

1 filing the application and accompanying notarized statements,
2 the applicant shall pay to the department an examination fee to
3 be determined by regulation and shall present himself or herself
4 at the next examination of applicants as provided in section 6.

5 (2) AT THE EXPIRATION OF THE BIENNIAL RENEWAL PERIOD NEXT <--
6 FOLLOWING THE EFFECTIVE DATE OF THIS PARAGRAPH, A MANAGER-BARBER
7 LICENSEE WHO POSSESSES A MINIMUM OF THREE YEARS' EXPERIENCE AS A
8 MANAGER-BARBER AS OF JANUARY 1, 2015, AND HAS NO RECORD OF
9 DISCIPLINARY ACTION MAY OPT TO BECOME LICENSED AS A BARBER-
10 TEACHER WITHOUT MEETING THE TRAINING AND EXAMINATION
11 REQUIREMENTS IN PARAGRAPH (1), UPON APPLICATION AND PAYMENT OF
12 THE REQUIRED FEE.

13 Section 2. Section 3.2 of the act, amended June 30, 1984
14 (P.L.494, No.101), is amended to read:

15 Section 3.2. (a) If a licensed cosmetologist wishes to
16 become a licensed barber, he or she shall have successfully
17 completed the one thousand two hundred fifty (1,250)-hour
18 cosmetology training course or shall possess a current license
19 as a cosmetologist. Upon application to the board he or she
20 shall be given five hundred fifty-five (555) hours of credit for
21 subjects previously covered in the cosmetology training course,
22 which subjects shall be enumerated by joint regulation of the
23 State Board of Cosmetology and the board. Before such person is
24 permitted to take the barber practical and theory State Board
25 examination, he or she shall have successfully passed both the
26 theory and practical portions of the State Board of Cosmetology
27 examination.

28 (b) An individual currently holding both a cosmetology
29 license and a barber's license may obtain a barber-teacher
30 license if the individual completes the training and examination

1 required for licensure as either a barber-teacher or a
2 cosmetology teacher.

3 SECTION 3. SECTION 4(A) AND (B) OF THE ACT, AMENDED OCTOBER <--
4 16, 1980 (P.L.981, NO.168) AND JUNE 30, 1984 (P.L.494, NO.101),
5 ARE AMENDED TO READ:

6 SECTION 4. (A) A BARBER OR A BARBER-TEACHER CURRENTLY
7 LICENSED IN ANOTHER STATE WITH SUBSTANTIALLY THE SAME LICENSURE
8 REQUIREMENTS AS PENNSYLVANIA SHALL BE GRANTED A PENNSYLVANIA
9 BARBER OR BARBER-TEACHER LICENSE WITHOUT AN EXAMINATION UPON
10 PAYMENT OF THE FEE. THE AFORESAID PROVISION SHALL ONLY BE
11 EFFECTIVE WHEN A MUTUAL RECIPROCAL AGREEMENT HAS BEEN EXECUTED
12 BETWEEN THE RESPECTIVE STATE LICENSING BOARDS.

13 (B) A BARBER OR BARBER-TEACHER APPLICANT CURRENTLY LICENSED
14 IN ANOTHER STATE NOT RECOGNIZED BY A RECIPROCAL AGREEMENT SHALL
15 BE ELIGIBLE FOR THE BARBER OR BARBER-TEACHER EXAMINATION UPON
16 APPROVAL OF THE BOARD WHICH APPROVAL SHALL NOT BE ARBITRARILY
17 WITHHELD. THE EXAMINATION SHALL CONSIST OF BARBER LAW, RULES AND
18 REGULATIONS. SHOULD THE EXAMINEE FAIL TO PASS THE EXAMINATION,
19 UPON PAYMENT OF THE REQUIRED FEE, THE EXAMINEE MAY TAKE ANOTHER
20 EXAMINATION IF THE EXAMINEE SO DESIRES. IN NO EVENT SHALL THE
21 EXAMINEE BE PERMITTED TO PRACTICE BARBERING UNTIL THE EXAMINEE
22 HAS RECEIVED A BARBER'S LICENSE.

23 * * *

24 Section ~~3~~ 4. Section 13(a) of the act, amended December 7, <--
25 1994 (P.L.855, No.123), is amended to read:

26 Section 13. (a) No person shall practice barbering who is
27 not a licensed barber, with the exception that nonlicensed
28 persons may shampoo hair under the supervision of a barber-
29 manager [or] barber-owner or barber-teacher. No licensed barber
30 shall practice, or attempt to practice, barbering in any place

1 other than a licensed barber shop or licensed cosmetology shop,
2 except that any licensed barber in a licensed barber shop or
3 licensed cosmetology shop may furnish barber services to persons
4 at their place of residence or in institutions in cases of
5 sickness, incapacitation, confinement, and other emergencies:
6 Provided, however, That nothing contained in this section shall
7 be construed to include family members of the same household,
8 hospitals or colleges, and private schools for children,
9 cosmetology shops or schools of cosmetology, except that it
10 shall be unlawful and a violation of this act for any person to
11 employ or to accept employment, in any such shops, parlors or
12 schools, who has been refused a license by the board.

13 * * *

14 Section ~~4~~ 5. Section 13.1 of the act, added May 3, 1991 <--
15 (P.L.7, No.4), is amended to read:

16 Section 13.1. Upon payment of a required fee, a temporary
17 license may be issued to any applicant who is eligible for
18 admission to the barber's examination. An applicant who is thus
19 licensed shall practice only under the supervision of a licensed
20 manager-barber or barber-teacher until results are available
21 from the next scheduled examination. Temporary licenses are
22 granted for a nine-month period.

23 Section ~~5~~ 6. Section 15-A.3(b) of the act, amended June 14, <--
24 1991 (P.L.66, No.8), is amended to read:

25 Section 15-A.3. * * *

26 [(b) A barber shop licensee who shall employ a licensed
27 cosmetologist shall also be a licensed barber-manager or employ
28 a barber-manager.]

29 * * *

30 Section ~~6~~ 7. This act shall take effect in 60 days. <--